

June 7, 2006 BZA



REQUEST ANALYSIS  
AND  
RECOMMENDATION

06AN0291

Kathryn E. Cain

Bermuda Magisterial District  
5321 Centralia Road

REQUEST: A sixty-five (65) foot Variance to the 100 foot front yard setback requirement for a single family dwelling.

RECOMMENDATION

Recommend denial of this request for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not applicable generally to other properties that have been subdivided without sufficient acreage to meet setback requirements.
- B. There is a reasonable alternative to this request that does not violate the required front yard building setback requirement for a single family dwelling.

GENERAL INFORMATION

Location:

Property is known as 5321 Centralia Road. Tax ID 780-662-9165 (Sheet 26).

Existing Zoning:

Agricultural (A)

Size:

0.456 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Residential  
South - A; Residential  
East - A; Residential  
West - R-15; Residential and vacant

Utilities:

Public water and sewer

General Plan:

(Central Area Land Use and Transportation Plan)	Residential (1.0 - 2.5 units)
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DISCUSSION

The applicant is proposing to construct a single family dwelling thirty-five (35) feet from the front property line. The Zoning Ordinance requires a 100 foot front yard setback in an Agricultural (A) District. Therefore, the applicant requests a sixty-five (65) foot Variance (see attached plat).

The applicant provides the following justification in support of this request:

I would like to construct a single family dwelling. The property fronts a recorded subdivision which has a front yard setback requirement of thirty-five (35) feet. We would like to keep it in character with the existing subdivision adjacent to my property. Due to the shallowness of the lot the 100 foot front yard setback requirement combined with the rear yard setback requirement would exceed the actual lot depth deeming the lot useless and unbuildable.

The subject property was created on August 6, 1985 and consists of 0.456 acre. The applicant obtained the subject property on the same date as the recordation date. The applicant is proposing to construct a single family dwelling. The Planning Department records indicate a temporary manufactured home was placed on the subject property in 1973 when it was still part of the parent parcel. The temporary manufactured home was renewed in 1975, 1977, 1979 and 1984. In 1986,

the applicant applied for the temporary manufactured home permit and indicated the parcel had been subdivided.

The subject property is located in an Agricultural (A) District. Properties in "A" districts created prior to May 26, 1988 are exempt from the required conditions (development standards) of Section 19-128 of the Zoning Ordinance. However, it would be subject to Section 19-128 (g) exemptions. Lots exempted by this subsection shall comply with 19-84, except that each lot shall have a front yard of not less than 100 feet. Section 19-84 lists the required conditions (development standards) for an R-15 zoning district. Also, the Subdivision Ordinance Section 17-6 (g)(4) states that if a parcel was recorded between January 1, 1988 and August 24, 1988 it shall be considered buildable if the parcel is validated per provisions of Subsections 17-12 (c) through 17-12 (f). This process is called the "validation plat" process.

Staff's field inspection revealed the temporary manufactured home had been removed. Staff also observed the newly developing Brynmore Subdivision which is zoned Residential (R-15) and is located across the street from the subject property. In a Residential (R-15) District, the front yard setback requirement is forty (40) feet and the rear yard thirty-five (35) feet.

There is an alternative to this request that does not violate the required front yard building setback requirement. The applicant could rezone the property to the appropriate zoning district which would accommodate the Zoning Ordinance setback requirements. The applicant has indicated the lot is 122 feet deep. If the applicant were to rezone the property to Residential (R-15) meeting the forty (40) foot front yard and twenty-five (25) foot rear yard there would be fifty-seven (57) feet of depth to locate the dwelling, thereby eliminating the need for this request.

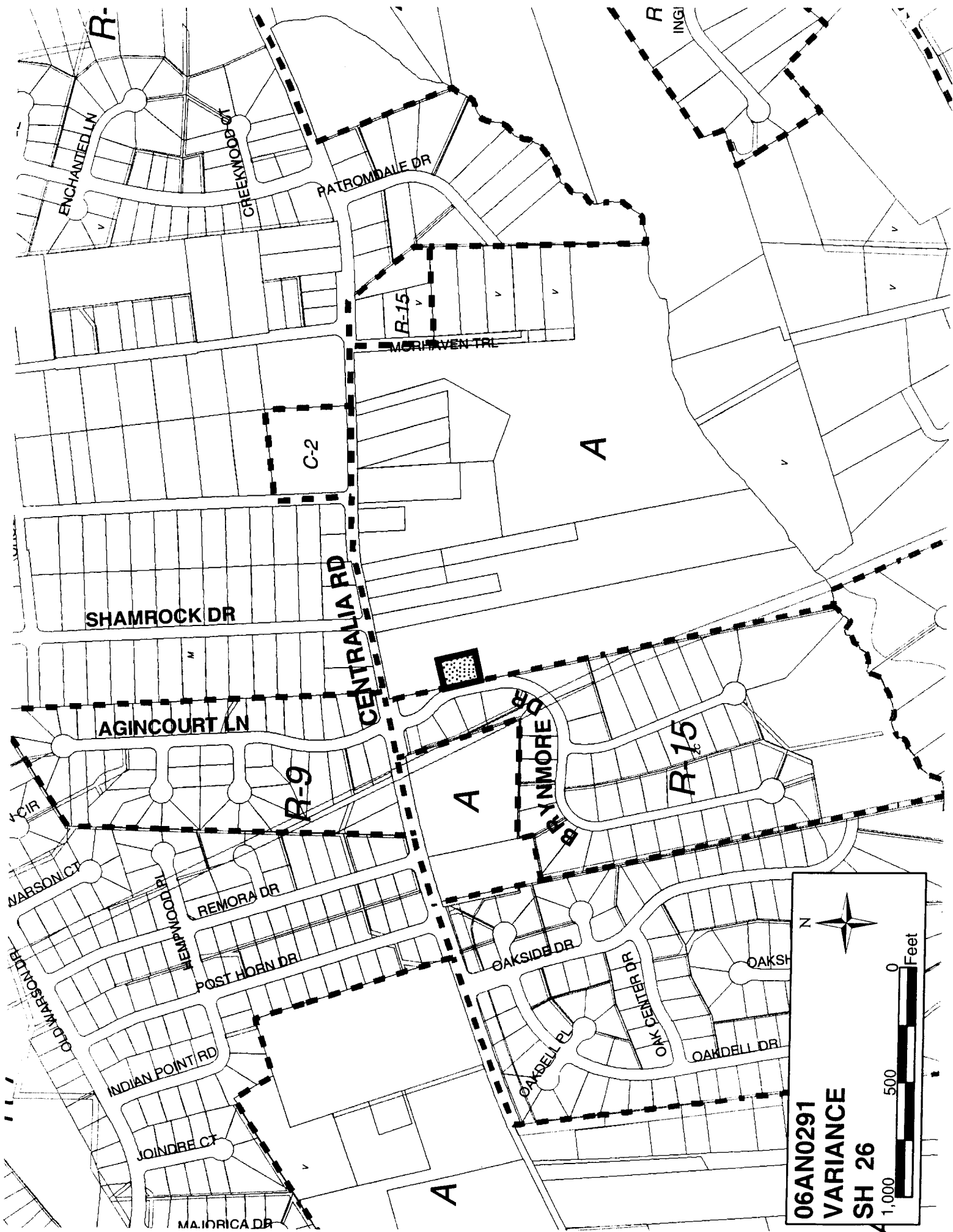
There are no conditions upon which this request is based which are unique to the subject property and do not apply generally to other properties that have been subdivided without the needed acreage to meet setback requirements.

Also, because there is an alternative to this request, staff does not support this request.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following condition:

CONDITION

This Variance shall be for the proposed dwelling only.



06AN0291  
VARIANCE  
SH 26

OPEN SPACE  
BRYMORE

PUBLIC

BRYNMORE DRIVE  
50' R/W

ASPHALT

246.14' TO S/L  
CENTRALIA RD.

5/8" R/F

192.70'  
N11°56'42"W

35'

N79°40'18"E  
122.00'

23500 S.F.  
0.539 Ac.

S11°56'42"E  
192.70'

122.00'  
S79°40'18"W

RECORD MERIDIAN



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